

# HOUSE BILL No. 1386

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-22; IC 35-52-14-29.5.

**Synopsis:** Killing an endangered species and repeat poachers. Makes it a Level 6 felony for a person to knowingly or intentionally kill a wild bird or wild mammal that is on the endangered species list. Makes it a Level 6 felony for a person to illegally take a deer or a wild turkey if the person has at least three prior unrelated convictions for illegally taking a deer or a wild turkey in the previous seven years. Increases the amount that a person must reimburse the state for unlawfully taking, possessing, or selling a deer or wild turkey for a third or subsequent violation. Increases the amount that a person must reimburse the state for unlawfully taking or possessing wildlife (other than a fish, deer, or wild turkey), and provides for increased reimbursement amounts for second and subsequent violations.

**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1386

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A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-22-34-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Except as  
3 otherwise provided in this chapter, a person may not take, possess,  
4 transport, export, process, sell or offer for sale, or ship, and a common  
5 or contract carrier may not knowingly transport or receive for shipment  
6 a species or subspecies of wildlife appearing on any of the following:  
7 (1) The list of wildlife indigenous to Indiana determined to be  
8 endangered in Indiana under this chapter.  
9 (2) The United States list of endangered wildlife (50 CFR 17.11)  
10 as in effect on January 1, 1979.  
11 (3) The list of endangered species developed under section 13 of  
12 this chapter.  
13 (b) A species or subspecies of wildlife appearing on a list described  
14 in subsection (a) that:  
15 (1) enters Indiana from another state or from a point outside the



territorial limits of the United States; and  
 (2) is transported across Indiana destined for a point beyond  
 Indiana;  
 may be so entered and transported without restriction in accordance  
 with the terms of a federal permit or permit issued under the laws of  
 another state.

(c) **Except as provided in subsection (d)**, a person who:

(1) violates subsection (a) or (b); or

(2) fails to procure or violates the terms of a permit issued under:

(A) section 15 of this chapter; or

(B) section 16 of this chapter;

commits a Class A misdemeanor.

**(d) A person who knowingly or intentionally kills a wild bird or wild mammal in violation of subsection (a) commits a Level 6 felony and loses the right to hunt and trap in Indiana for life.**

SECTION 2. IC 14-22-38-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person who takes a deer or a wild turkey in violation of this article commits a Class B misdemeanor, ~~However, the offense is except as provided in subsections (b) and (c).~~

**(b) A person who takes a deer or a wild turkey in violation of this article commits a Class A misdemeanor if the person has a prior conviction under:**

(1) IC 14-2-3-8(c) (repealed); or

(2) this section;

**except as provided in subsection (c).**

**(c) A person who takes a deer or a wild turkey in violation of this article commits a Level 6 felony if the person has at least three (3) prior unrelated convictions under this section in the previous seven (7) years.**

SECTION 3. IC 14-22-38-4, AS AMENDED BY P.L.195-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If a person commits an offense that involves:

(1) unlawfully taking or possessing a deer or wild turkey;

(2) taking or possessing a deer or wild turkey by illegal methods or with illegal devices; or

(3) except as provided in subsections (c) and (d), selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey;

the court may order the person to reimburse the state five hundred dollars (\$500) for the first violation, ~~and~~ one thousand dollars (\$1,000)



1 for ~~each~~ **the second violation, and two thousand dollars (\$2,000) for**  
 2 **the third and any** subsequent violation.

3 (b) The money shall be deposited in the conservation officers fish  
 4 and wildlife fund. This penalty is in addition to any other penalty under  
 5 the law.

6 (c) Notwithstanding section 6 of this chapter, if a properly tagged  
 7 deer is brought to a meat processing facility and the owner of the deer:

8 (1) fails to pick up the processed deer within a reasonable time;  
 9 or

10 (2) notifies the meat processing facility that the owner does not  
 11 want the processed deer;

12 the deer meat may be given away by the meat processing facility to  
 13 another person. The meat processing facility may charge the person  
 14 receiving the deer meat a reasonable and customary processing fee.

15 (d) Notwithstanding section 6 of this chapter, deer meat and  
 16 products from farm raised deer that meet the requirements under  
 17 IC 15-17 may be sold to the public.

18 (e) In addition to being liable for the reimbursement required under  
 19 subsection (a), a person who recklessly, knowingly, or intentionally  
 20 violates subsection (a)(1) or (a)(2) while using or possessing:

21 (1) a sound suppressor designed for use with or on a firearm,  
 22 commonly called a silencer; or

23 (2) a device used as a silencer;

24 commits unlawful hunting while using or possessing a silencer, a Class  
 25 C misdemeanor.

26 SECTION 4. IC 14-22-38-5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person who  
 28 takes or possesses a ~~wild animal; except a deer or turkey; fish~~ in  
 29 violation of this article shall reimburse the state as follows:

30 (1) Twenty dollars (\$20) for the first violation.

31 (2) Thirty-five dollars (\$35) for each subsequent violation.

32 **(b) A person who takes or possesses wildlife, except a fish, deer,**  
 33 **or turkey, in violation of this article shall reimburse the state as**  
 34 **follows:**

35 **(1) Two hundred dollars (\$200) for the first violation.**

36 **(2) Five hundred dollars (\$500) for the second violation.**

37 **(3) One thousand dollars (\$1,000) for the third and any**  
 38 **subsequent violation.**

39 ~~(b)~~ (c) The money **reimbursed under this section** shall be  
 40 deposited in the conservation officers fish and wildlife fund.

41 SECTION 5. IC 35-52-14-29.5 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2015]: **Sec. 29.5. IC 14-22-34-12 defines a**  
2 **crime concerning fish and wildlife.**

